



omitted). The failure to demonstrate one of these required elements is fatal to a plaintiff's ability to establish a prima facie case. *See Hemphill v. Aramark Corp.*, 2014 WL 1248296, at \*19 (D. Md. Mar. 25, 2014).

Here, plaintiff has failed to establish a prima facie case of employment discrimination, because she fails to allege any facts to show: (1) what the necessary qualifications for the housing inspector position were, or that she met those qualifications; or (2) that anyone at FEMA or the Department of Homeland Security ("DHS") exhibited any racial animus towards plaintiff or was aware of plaintiff's race when making the hiring decision. *See generally id.* Because plaintiff cannot establish a prima facie case of employment discrimination based upon failure to hire, the Court must DISMISS this claim.

To the extent that plaintiff raises a retaliation claim in the complaint, this claim must also be dismissed. To allege a plausible retaliation claim, plaintiff must show that: (1) she engaged in protected activity; (2) she suffered an adverse employment action at the hands of defendant; and (3) defendant took the adverse employment action because of the protected activity. *Spriggs v. Diamond Auto Glass*, 242 F.3d 179, 190 (4th Cir. 2001) (citation omitted). Here, it appears that plaintiff alleges that she was denied employment with FEMA, because she filed an EEOC complaint alleging racial discrimination on March 23, 2017. *See generally* Compl.; *see also* ECF No. 1-1 at 13. But, plaintiff acknowledged that her EEOC complaint was filed approximately 20 days after FEMA denied her employment as a housing inspector. *See* ECF No. 1-1 at 13. And so, plaintiff cannot establish that FEMA's decision to not offer her employment as a housing inspector was due to the filing of this EEOC complaint. Given this, the Court must also DISMISS any retaliation claim raised in the complaint.<sup>1</sup>

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<sup>1</sup> In addition, to the extent that plaintiff raises fraudulent concealment, equitable tolling, and RICO Act claims in the complaint, the Court must also DISMISS these claims, because plaintiff fails to allege sufficient facts to show that these claims are plausible. Fed. R. Civ. P. 12(b)(6).

In light of the foregoing, and for the reasons stated during the March 23, 2022, status conference, the Court:

1. **GRANTS** defendant's motion to dismiss; and
2. **DISMISSES** this matter with prejudice.

**IT IS SO ORDERED.**

s/ Lydia Kay Griggsby  
LYDIA KAY GRIGGSBY  
United States District Judge